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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,097	01/22/2002	Bernard A. Traversat	5681-07100	9638
58467	7590	12/13/2007		
MHKKG/SUN P.O. BOX 398 AUSTIN, TX 78767			EXAMINER NANO, SARGON N	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/055,097

Applicant(s)

TRAVERSAT ET AL.

Examiner

Sargon N. Nano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/4/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to appeal brief filed on Sept. 4, 2007. Applicant's arguments, with respect to the rejection(s) of claim(s) 1 – 62 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Claims 1 – 62 are pending examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

It is important to note that independent claims 1, 11, 20, 30, 37, 45, 51, 57 and dependent claims 5, 6, 7, 14, 15, 16, 18, 24 are replete with intended use recitations are replete with intended use recitations. The claim does not require anything new in that the limitations are "configured to", "according to", "operable to", etc. perform steps that practically any computer can be configured to perform. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. . Applicant failed to specifically point out any further contentions and thus failed to claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 51 – 56 and 57 – 62 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. An article of manufacture is a software implementation and fails to fall into any of the four categories of invention: machine, manufacture, composition of matter or method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al U.S. Patent No. 6,269,099 (referred to hereafter as Borella) in view of Bommareddy et al . U.S. Patent No. 6,880,089 (referred to hereafter as Bommareddy).

As to claim 1, Borella teaches a peer computing system comprising:

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a plurality of peer nodes operable to couple to a network, wherein the plurality of peer nodes are configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment (see col. 3 lines 35 – 52, col. 2 line 49 – col.4 line 18 and fig. 1 Borella discloses a peer to peer network devices are discovered by other network devices on multiple networks);

wherein the plurality of peer nodes are partitioned by a mechanism on the network into a set of one or more peer nodes inside the mechanism and a set of one or more peer nodes outside the mechanism, wherein peer nodes on opposite sides of the mechanism cannot communicate directly with each other on the network (see col.1 lines 40 – 51 and col. 4, lines 59 – col.5 line 5 and fig.1, Borella discloses edge routers that connect multiple networks).

a relay peer node operable to couple to the network outside the mechanism, and further operable to:

receive a message from a peer node outside the mechanism, wherein the message is for a peer node inside the mechanism; and relay the message to the peer node inside the mechanism (see col.6 line 61 – col. 7 line 17 and fig.1, Borella discloses a message communicated via a router from one autonomous system to another device another autonomous system).

Borella substantially teaches the invention as mentioned above. Borella does not explicitly teach the mechanism as a firewall. However, Bommareddy teaches a firewall clustering for multiple network servers. Bommareddy teaches a firewall placed between inside or "trusted" network and outside "untrusted" network where the firewall perform filtering operation and /or network address translation (NAT) services. It would have been obvious to one of the ordinary skill in the to incorporate the installation of a firewall in Borella's invention to protect the network form unauthorized access (see Bommareddy col. 4 lines col. 3 line 50 – col. 5 line 7 & col. 6 lines 37 – 67) .

As to claim 2, Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the relay peer node is further operable to:

receive a message from the peer node inside the mechanism, wherein the message is for the peer node outside the mechanism; and relay the message to the peer node outside the mechanism (see Bommareddy col. 4 lines col. 3 line 50 – col. 5 line 7 & col. 6 lines 37 – 67).

As to claim 3, Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the mechanism is a firewall (see Bommareddy col. 3 line 50 - col. 5 line 12 and col. 6 lines 37 - 67).

As to claim 4 Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the mechanism is a Network Address Translation (NAT) gateway (see Bommareddy abstract and col. 6 lines 53 – 61).

As to claim 5, Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the relay peer node is further operable to cache route information describing one or more routes to peer nodes on the network (see Borella col.7 lines 37 - 51).

As to claim 6, Borella and Bommareddy teach the peer computing system as recited in claim 5, wherein, to relay the message to the peer node inside the mechanism, the relay peer is operable to use the cached route information to route the received message to the peer node outside the mechanism (see Bommareddy col. 7 lines 1 – 50).

As to claim 7, Borella and Bommareddy teach the peer computing system as recited in claim 5, wherein the relay peer node is further operable to: receive a query requesting route information to one of the plurality of peer nodes from another one of the plurality of peer nodes, wherein the query is formatted according to an endpoint routing protocol; and send the requested route information to the requesting peer node in accordance with the endpoint routing protocol (see Borella abstract).

As to claim 8, Borella and Bommareddy teach the peer computing system as recited in claim 5, wherein the route information includes an ordered sequence of peer identifiers configured for use in routing a message to a destination peer node (see Bommareddy col. 7 lines 1 – 50).

As to claim9, Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the message includes route information, and wherein, to relay the message to the peer node inside the mechanism, the relay peer is operable to

use the route information included in the message to route the received message to the peer node outside the mechanism (see Bommareddy col. 7 lines 1 – 50).

As to claim 10, Borella and Bommareddy teach the peer computing system as recited in claim 9, wherein the route information includes an ordered sequence of peer identifiers configured for use in routing a message to a destination peer node(see Bommareddy col. 7 lines 1 – 50).

As to claim 11, Borella and Bommareddy teach a peer computing system comprising:

a plurality of peer nodes operable to couple to a network, wherein the plurality of peer nodes are configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment(see Borella col. 3 lines 35 – 52, col. 2 line 49 – col.4 line 18 and fig.1);

wherein the plurality of peer nodes are partitioned by a mechanism on the network into a set of one or more peer nodes inside the mechanism and a set of one or more peer nodes outside the mechanism, wherein peer nodes on opposite sides of the mechanism cannot communicate directly with each other on the network(see Borella col.1 lines 40 – 51 and col. 4, lines 59 – col.5 line 5 and fig.1,);

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one or more relay peer nodes operable to couple to the network outside the mechanism, wherein each of the peer nodes inside the mechanism are operable to publish an advertisement on the one or more relay peer nodes (see col.6 line 61 – col. 7 line 17 and fig.1).

; and wherein each of the peer nodes outside the mechanism are operable to discover the advertisements for the peer nodes inside the mechanism published on the one or more relay peer nodes(see col.6 line 61 – col. 7 line 17 and fig.1)

Borella teaches substantially the invention as mentioned in claim11. Borella does not explicitly teach the mechanism as a firewall. However, Bommareddy teaches a firewall clustering for multiple network servers. Bommareddy teaches a firewall placed between inside or “trusted” network and outside “untrusted” network where the firewall perform filtering operation and /or network address translation (NAT) services. It would have been obvious to one of the ordinary skill in the to incorporate the installation of a firewall in Borella's invention to protect the network form unauthorized access (see Bommareddy col. 4 lines col. 3 line 50 – col. 5 line 7 & col. 6 lines 37 – 67) .

As to claim12, Borella and Bommareddy teach the peer computing system as recited in claim 11, wherein the mechanism is a firewall (see Bommareddy col. 3 line 50 - col. 5 line 12 and col. 6 lines 37 - 67).

As to claim 13, Borella and Bommareddy teach the peer computing system as recited in claim 11, wherein the mechanism is a Network Address Translation (NAT) gateway (see Bommareddy abstract and col. 6 lines 53 – 61).

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As to claim 14, Borella and Bommareddy teach the peer computing system as recited in claim 11, wherein the one or more relay peer nodes are further operable to relay messages between the peer nodes outside the mechanism and the peer nodes inside the mechanism (See Borella fig.1).

As to claim 15, Borella and Bommareddy teach the peer computing system as recited in claim 14, wherein the relay peer node is further operable to cache route information describing one or more routes to peer nodes on the network (See Borella col. 7 line 37 - 51).

As to claim 16, Borella and Bommareddy teach the peer computing system as recited in claim 15, wherein, to relay the messages between the peer nodes, the relay peer is operable to use the cached route information to route the received message to the peer node outside the mechanism (this feature is inherent and is well known in the art . Every router has routing tables which stores the locations or addresses of network devices).

As to claim 17, Borella and Bommareddy teach the peer computing system as recited in claim 15, wherein the route information includes an ordered sequence of peer identifiers configured for use in routing a message to a destination peer node (see Bommareddy col. 7 lines 1 - 50).

As to claim 18, Borella and Bommareddy teach the peer computing system as recited in claim 14, wherein the message includes route information, and wherein, to relay the messages between the peer nodes, the relay peer is operable to use the route

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information included in the message to route the received message to the peer node outside the mechanism (see Bommareddy col. 7 lines 1 - 50).

As to claim 19, Borella and Bommareddy teach the peer computing system as recited in claim 18, wherein the route information includes an ordered sequence of peer identifiers configured for use in routing a message to a destination peer node (see Bommareddy col. 7 lines 1 – 50) .

Claims 20 – 62 do not teach or further limit over the limitations of claims 1 - 19 and therefore are rejected for similar reasons.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

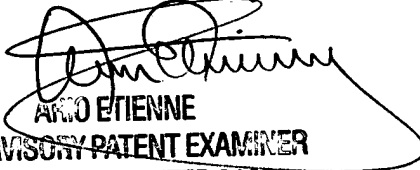
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano
Dec. 10, 2007


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